IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13594 of 2004 (O&M)
Date of decision: December 1, 2006.

Ex.Rect. Nirmal Singh

...**Petitioner(s)**

v.

Union of India & Ors.

...**Respondent(s)**

Present: Shri Bhim Sen Sehgal, Advocate for the petitioner.

Mrs. Daya Chaudhary, Asstt. Solicitor General of India, for the respondents.

Surya Kant, J. (Oral)

CM No.16216 of 2006

Notice to Learned Counsel for the respondents.

Mrs. Daya Chaudhary, learned Assistant Solicitor General of India, accepts notice.

As agreed by Learned Counsel for the parties, the main case is taken on Board for final disposal.

C.M. stands disposed of.

Re: Petition

In this writ petition, a writ in the nature of mandamus has been sought by the petitioner to command the respondents to grant him Disability Element of Pension from the date he was invalidated, i.e. 25.11.1974 onwards and now claims computing of disability element at least @ 50% for life w.e.f. 1.1.1996 in accordance with the instructions dated 31.1.2001, 7.2.2001 and 16.5.2001 issued by the Government of India.

Learned Counsel for the petitioner submits that a similar controversy raised before this Court in CWP No.9979 of 2005 (**Nb. Sub. Ravinder Kumar v. Union of India**), which has since been allowed by a Division Bench of this Court vide judgment dated 17.8.2006, a copy of which has appended as Annexure P-1 with CM Application No.16216 of 2006.

Learned Counsel for the respondents has fairly stated that the issues raised in this writ petition are squarely answered in favour of the petitioner by the above stated Division Bench in **Naib Subedar Ravinder Kumar**'s case (supra).

Accordingly, and for the reasons mentioned in the aforesaid Division Bench judgment, this petition is also allowed in the same terms. However, it is directed that the petitioner shall be entitled for the consequential arrears of pension for 38 months preceding the date of filing of the writ petition. The necessary relief shall be granted to the petitioner within two months from the date of receipt of a certified copy of this order.

December 1, 2006. [**Surya Kant**]
kadyan **Judge**